

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

MITRA HOOSHANGI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Filing No. <u>1:22-cv-33</u>
	:	
ROSS DRESS FOR LESS, INC.	:	
AND ANY AND ALL	:	
OFFICERS AND EMPLOYEES,	:	
	:	
Defendants.	:	

**NOTICE OF REMOVAL**

Defendants, ROSS DRESS FOR LESS, INC. AND ANY AND ALL OFFICERS AND EMPLOYEES (hereinafter “Ross”), by and through counsel, hereby give notice of removal of the above action from the Circuit Court of Prince William County (“Circuit Court”) to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit and this Notice of Removal.

In support of this Notice of Removal, Defendants state as follows:

1. There is pending in the Circuit Court of Prince William County, Virginia a Complaint styled *Mitra Hooshangi v. Ross Dress For Less, Inc. and any and all Officers and Employees*, Case No. CL21-0263 (the “State Court Action”). The Complaint in the State Court Action was filed on or about January 8, 2021. A copy of the Complaint is attached hereto as **Exhibit A**.

2. Defendants were served with a copy of the Complaint in the State Court Action on or about December 17, 2021. Defendants filed an Answer and Demurrer/Rule 12(b)(6) Motion to Dismiss to Plaintiff's Complaint on January 7, 2022 in the Circuit Court of Prince William County. A copy of the Answer is attached as **Exhibit B**.

3. There have been no further proceedings in the State Court Action.

4. This Notice of Removal is filed within thirty days upon which Defendant was first served with a copy of the Complaint and is therefore timely pursuant to 29 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a) because the State Court Action is subject to the original of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Defendants are informed and believe the plaintiff, Mitra Hooshangi, is an individual residing in the State of Virginia. *See Ex. A ¶ 2.*

7. Ross Dress for Less, Inc. is incorporated in the State of Delaware and has its principle place of business the State of California.

9. Plaintiff's Complaint seeks damages in the amount of \$500,000.00.

10. The consent of any and all officers and employees of Ross Dress for Less, Inc. should be disregarded. 28 U.S.C. § 1441(b)(1) ("In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded").

11. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity exists between the Plaintiff and the Defendant, (b) the amount in controversy herein exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and (c) the consent of any and all officers and employees of Ross Dress for Less, Inc. is not required.

12. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for Prince William County, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants ROSS DRESS FOR LESS, INC. AND ANY AND ALL OFFICERS AND EMPLOYEES respectfully requests that this case proceed before this Court as an action properly removed.

ROSS DRESS FOR LESS, INC.  
AND ANY AND ALL OFFICER AND  
EMPLOYEES

/s/  
\_\_\_\_\_  
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*Counsel for Defendant Ross Dress for Less,  
Inc. and any and all Officers and Employees*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Notice of Removal was electronically mailed and mailed postage prepaid, this 12<sup>th</sup> day of January, 2022, to:

Justin Daniel, Esquire  
The Daugherty Law Firm, P.C.  
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